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OFFICE OF PETITIONS

In re Application of :  
Gerard Chauvel, et. al. :  
Application No. 10/632,084 : ON PETITION  
Filed: July 31, 2003 :  
Attorney Docket No. TI-35428 (1962-05407) :

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on July 24, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to respond to the non-final Office action mailed December 14, 2005. A Notice of Abandonment was mailed on July 14, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1).

In response to the non-final Office action mailed on December 14, 2005, the Office acknowledges receipt of an Amendment filed on July 24, 2006. However, the Examiner objected to the Oath/Declaration or Application Data Sheet (ADS) requiring petitioner to comply with the requirements of 37 CFR 1.63(c). Further, the Examiner states that the Oath/Declaration or ADS fails to acknowledge the filing of any foreign application and that a new Oath/Declaration or ADS, which identifies the present application by application number and filing date is required. Consequently, revival of the above application cannot occur until a complete response to the non-final Office action has been received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

  
Andrea Smith  
Petitions Examiner  
Office of Petitions